

DATE: November 19, 2014

TO: Alex Dambach, Division Chief
Department of Planning and Zoning

FROM: Ann Horowitz, Planner
Department of Planning and Zoning

SUBJECT: Special Use Permit #2014-0107
Administrative Review for New Use
Site Use: Massage Establishment
Applicant: Mynt Medical Massage & Spa, LLC
Location: 1127 King Street, 2nd Floor
Zone: KR/King Street Retail

Request

Special Use Permit #2104-0107 is a request to operate a new massage establishment in a three-tenant retail and office building at 1127 King Street. The establishment would occupy a 900 square foot commercial space that includes a reception area and three massage tables. The applicant proposes to offer therapeutic massage with two massage therapists working at any one time and offering services for up to nine clients a day. Hours of operation would be 10 a.m. to 8 p.m., Monday, Wednesday, and Thursday; 10 a.m. to 7 p.m., Friday and Saturday; and 10 a.m. to 6 p.m., Sunday.

Parking

The subject property is located within the Central Business District (CBD) on a 4,765 square foot parcel that has been in existence at least since 1920. Pursuant to Section 8-300 (B) of the Zoning Ordinance, non-retail uses located within the CBD are exempt from parking requirements if they are located on a parcel of land with less than 10,000 square feet that was in existence before 1983.

Community Outreach

Public Notice has been provided through eNews and the City's website. Additionally, notification of the proposed new business has been sent to the Old Town Civic Association, the Old Town Business and Professional Association, and the Princess Street Townhouses. Staff received one comment from a resident inquiring if state or local regulations existed for the naming of massage establishments and staff responded that sign permits were reviewed to ensure compliance with the City Zoning Ordinance.

Staff Action

Staff supports the SUP request for a new massage establishment at 1127 King Street. The applicant's proposed massage establishment would be small with two employees and a maximum of nine clients a day. As a result, impacts from noise and odors on the adjacent second floor office and the first floor retail establishment are not anticipated.

Standard conditions have been included to address matters such as hours of operation, litter, and public transportation options. Although the applicant proposes to close at different hours during the week, staff permits a consistent daily closing hour of 8 p.m. in Condition 4. Staff hereby approves the Special Use Permit request.

ADMINISTRATIVE ACTION – DEPARTMENT OF PLANNING AND ZONING:

Date: November 19, 2014
Action: Approved

Alex Dambach, Division Chief

Attachments: 1) Special Use Permit Considerations
2) City Department Comments
3) Statement of Consent

CONDITIONS OF SPECIAL USE PERMIT #2014-0107

The new owner is responsible for ensuring that the following conditions are adhered to at all times. Violation of any of the conditions may result in fines and/or referral to public hearing by the Planning Commission and City Council.

1. The Special Use Permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. (P&Z)
2. No more than two massage therapists shall operate at this establishment at any one time. (P&Z)
3. Applicant and all massage providing staff shall obtain all required state, federal and local licenses and certificates prior to opening its place of business. (P&Z)
4. The hours of operation for the business shall be limited to between 10 a.m. and 8 p.m., daily. (P&Z)
5. Trash and garbage shall be placed in sealed containers which do not allow odors to escape and shall be stored inside or in a closed container which does not allow invasion by animals. No trash and debris shall be allowed to accumulate on-site outside of those containers. (P&Z)
6. The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation process, to discuss all special use permit provisions and requirements. (P&Z)
7. Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am. (T&ES)
8. All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations. (T&ES)
9. Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least once during the day, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation. (T&ES)
10. The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. (T&ES)

11. The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities. (T&ES)
12. The applicant shall require its employees who drive to work to use off-street parking. (T&ES)
13. The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking. (T&ES)
14. The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line. (T&ES)
15. The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if: (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations, or which create a direct and immediate adverse zoning impact on the surrounding community; (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed. (P&Z)

CITY DEPARTMENT COMMENTS

Legend: C- code requirement R- recommendation S - suggestion F – finding

Transportation & Environmental Services

- R-1 Supply deliveries, loading, and unloading activities shall not occur between the hours of 11:00pm and 7:00am.
- R-2 All waste products including but not limited to organic compounds (solvents), shall be disposed of in accordance with all local, state and federal ordinances or regulations.
- R-3 Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least once during the day, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- R-4 The applicant shall provide information about alternative forms of transportation to access the location of the use, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- R-5 The applicant shall encourage its employees and customers to use mass transit or to carpool when traveling to and from work, by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.
- R-6 The applicant shall require its employees who drive to work to use off-street parking.
- R-7 The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.
- R-8 The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.

Code Administration

- C-1 No Code comment or building permit required to only add massage tables per SUP application. Any moving of walls or additional alterations are subject to review by the Building Department.

Fire

No comments or concerns.

Health Department
No comments

Parks & Recreation
No comments received

Police
No comments received

STATEMENT OF CONSENT

The undersigned hereby agrees and consents to the attached conditions of this Special Use Permit #2014-0107. The undersigned also hereby agrees to obtain all applicable licenses and permits required for the massage establishment at 1127 King Street, 2nd Floor.

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Applicant – Signature

Date

Applicant – Printed

Date